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Customer No.: 07278

Docket No.: 03940/000K188-USO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael Friedman et al.

Serial No.: 09/534,960

Art Unit: 1615

Confirmation No.: 3862

Filed: March 27, 2000

Examiner: S. Lee Howard

For: CONTROLLED DELIVERY SYSTEM OF ANTIFUNGAL AND KERATOLYTIC AGENTS FOR LOCAL TREATMENT OF FUNGAL INFECTIONS OF THE NAIL AND SURROUNDING TISSUES

DECLARATION OF MICHAEL A. DAVITZ

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 15, 2004

Sir:

I, Michael A. Davitz, Vice President, Intellectual Property, Taro Pharmaceuticals USA, Inc., located at Five Skyline Drive, Hawthorne, New York, 10532-9998, declare that:

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address. Ms. Cohen had a listed address of 39 Itzhak Rabin Street, Hedera, Israel. A letter with Ms. Nashilevich's contact information was sent to that address by registered mail. No response to this letter was received.

7. Upon information and belief, on June 20, 2004, Ms. Nashilevich spoke with Ms. Cohen on the phone. Ms. Cohen told Ms. Nashilevich that she did not have time to talk on the phone to Taro counsel about inventorship. Ms. Cohen agreed to respond to any e-mail from Taro regarding inventorship. On June 28, 2004, Taro made three unsuccessful attempts to transmit the claims of the application to Ms. Cohen. All e-mails were returned as being undeliverable to the address given to us by Ms. Cohen.
8. It is further declared that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patents.

Dated: July 26, 2004

By: 

Michael A. Davitz, M.D. J.D.
Vice President, Intellectual Property
Taro Pharmaceuticals USA, Inc.